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ABSTRACT

Federal and state legislation which provides funds in support of library programs and legislation that has financial implications for libraries are reviewed with examples from public and academic libraries. Implications of accepting library funds, the impact of the Copyright Act law, Title II-C of the Higher Education Act, postal regulations, the Library Services and Construction Act, the General Revenue Sharing Act, and long-range planning through the Office of Libraries and Learning Resources in the Office of Education are discussed. Legislative efforts currently underway, such as the revision of the Communications Act of 1934, revision of Title 44, and direct Federal funding of public libraries, are also reviewed, and a final comment on data collection and statistical analysis of library information closes the paper. (RAO)

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IMPACT OF LEGISLATION UPON MANAGEMENT: A U.S. PERSPECTIVE

by

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Impact of Legislation Upon Management:
A U.S. Perspective

by

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The variety of legislation that can impact on libraries is considerable and would require an analysis well beyond the scope of this paper. I will, therefore, limit this presentation to Federal and state legislation which provides funds in support of library programs and legislation that has financial implications for libraries. I will also use public and academic library legislation as my examples.

In the United States the question of the role of the Federal Government in support of library and information services is still controversial. This, in spite of the fact that the first Federal program for public libraries was enacted in 1956--over two decades ago. The Executive Branch and the Congress of the United States, by the support and passage of library legislation which provides funds for public libraries, recognized that libraries are a vital information resource serving the needs and well being of individuals and the nation. This Federal funding policy is supported by all of the major library and information service associations. The debate on the role of the Federal Government, therefore, is not whether there should be Federal involvement, but the extent and role of that involvement. The American Library Association's policy on Federal legislation, for example, is to seek Federal funding for the promotion of libraries and librarianship and to improve library and information service.

Each state in the United States has enacted legislation authorizing the formation of public libraries. The requirements, authority, and responsi-

mental unit. The library's funding comes mainly from the local level (over 83 percent); there is a growing trend of increased state support (about 12 percent), with Federal money in support of public library service at a very modest 5 percent level. The determination of library services and policy for public and school libraries is clearly controlled at the local governmental level; however, it is at the state and institutional level for state-supported academic institutions. If the public library does not meet the needs of its local users, then the funds from the local level will not be forthcoming. Local laws, other than fiscal, affect libraries in numerous ways, such as personnel and purchasing policies, building and zoning codes, etc.

The influence of state government at the policy level, in spite of limited financial support, is considerable. The state law permits the organization of public libraries as a governmental entity and clearly spells out the responsibilities and rights of the library. For example, state law may designate a board of trustees as a policy-making body for the public library. This board will be vested with all of the powers of finance, personnel, construction, contracting, etc. The state law prescribes whether the board is to be elected or appointed. The implications of this fact alone on the library management are clear. The relationship between the manager and the local government is obviously more sensitive and political with an appointed board than with an elected board. In the latter case, of course, the manager's relationship to the board is paramount, and all of the problems of policy determination by the board and the relationship of the manager to that process can become very sensitive and often difficult.

At the Federal level, the relationship is quite different. There are some who feel that the involvement of the Federal Government on a continuing and increasing financial basis in support of public library services is dangerous.

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The fear of domination, if not control, by the Federal Government and the potential dangers to intellectual freedom, such as Federal censorship, cause many people to have doubts about the wisdom of the Federal Government's participation.

The first library act--the Library Services Act--was passed in 1956 and experience these past 23 years has not supported the fears of that small group that question the advisability of Federal support. There has never been any threat to intellectual freedom, and there certainly has not been any evidence of control or domination. In fact, the criticism is usually one of lack of leadership from the national level, not excessive interference. There is little question that Federal support of the public library has had a major impact both in the improvement of its services and in the broadening and extension of services. Many innovative programs could never have been undertaken without Federal funds. Of course, no one provides funds without requiring some responsibility from those that receive those funds, and Federal funding is no exception. The law rather clearly spells out the goals and objectives that are expected to be achieved. Rules and regulations based on the law are then developed which detail the requirements for participation in the program. It is important to remember that in the United States the library and information community participate not only in the drafting of Federal legislation but in the critique and revision of the rules and regulations as well. In addition, no library is required to participate in any Federal program--it is entirely voluntary.

However, for the library manager, turning down funds for library and information services is usually not a viable option. But when he agrees to participate, he must acknowledge the many implications of that decision. Federal legislation is directed toward meeting national priorities. For example, the Library Services and Construction Act (LSCA) requires that libraries provide programs which support services for ethnic minorities, the institutionalized, and the

handicapped as a priority. It also stresses services to the elderly and to those in remote areas. Generally, the priorities of the local public library are not in conflict with the national priorities and the libraries are most eager to participate in such programs. In developing experimental projects or undertaking feasibility studies, surveys, or research, the library directors must, of course, meet the evaluation and monitoring criteria and cope with the Federal reporting requirements. There is always the problem of utilizing a mix of Federal, local and/or state funds in support of the planned activity and doing so in a way that is compatible with the legal requirements of the different levels of government. In the final analysis, the manager must be sure that the activity really will serve the user better, otherwise the use of Federal funds is an expensive and frustrating exercise.

There are some Federal statutes that have a direct impact on library operations. An example that will illustrate the point is the new copyright law, "The Copyright Act of 1976." This act, for the first time, defines "fair use" and its limitations. In addition, copyright guidelines were agreed to in a Conference Committee Report issued by the U.S. Congress. The affect of the act and the guidelines on libraries, especially research libraries, state libraries, and large public libraries, is dramatic. Interlibrary loan procedures had to be carefully examined. The policy for the development of the reserved book collections was definitely affected, and finally the whole matter of photocopying required re-examination. The requirements for recordkeeping, in order to assure compliance with the new Copyright Act law, the posting of a warning on the photoduplication machine, the faculty and student reaction to the new requirements, all created administrative policy problems for the managers. In addition, the acquisitions for current periodicals literature had to be studied in light of the new guidelines. Studies showed that the cost of loaning a given journal more than five or six times during a one-year period is more than the price of a subscription. The counter-implication, of

course, is that a journal that is used less than five times is more expensive to subscribe to than to borrow. Many library managers, for the first time, were forced to examine the economic implications of collection development policies, not because of budget constraints but because of legislative stimulus.

The ripple effect of this one action set off a chain of activity. The new copyright law created renewed interest in resource sharing through networks. It also gave added support to the efforts already underway to establish a federally-supported National Periodicals Center. The effects of the new copyright law will be felt by library directors for a long time and will require their ingenuity in assuring that the law not only protects the rights of authors and publishers but serves the best interests of the library user which after all is why libraries and information centers exist.

A second example of legislation which will have important short- and long-term implications for library managers, especially those in research institutions, is the recent enactment of a new Title II-C of the Higher Education Act (HEA). This program provides grants to major research libraries (academic, state, public, or independent) whose collections make a significant contribution to higher education and research, are recognized as having national or international significance for scholarly research, are of a unique nature and contain material not widely available, and are in substantial demand by researchers and scholars outside the library's primary clientele. The program is meant to maintain and strengthen research library collections and to assist in making these holdings available to other libraries. This program, obviously, is aimed at sharing of resources and gives added impetus to the current trend for broader and more sophisticated library service networks. The implications for the library manager of this Act affect not only budgetary matters but personnel, collection development, technical services, data processing, and

space. The program is not only a voluntary one but is competitive, and the library director must decide whether the best interest of the institution is served by participation. This is not an easy decision. For example, those who do not feel that resource sharing is really an economic benefit for their institution, must nonetheless consider the library's responsibility for sharing information with the scholarly community beyond its own walls. Title II-C does provide the potential for financial assistance in the area of preservation but only if the materials thus preserved are then made accessible to researchers and scholars outside the library's primary clientele.

Another potential impact of the very same act--that is the Higher Education Act, Title II-C--is support for the organization and initial operation of a National Periodicals Center. This center would be a dedicated collection with journals, modeled in some respects after the British Library Lending Division service which is offered at Boston Spa. The library manager must once again exercise his decision-making authority to determine the effects such a center would have not only on the service to the user but on the internal management of the institution. Once again, policies must be reconsidered in the areas of collection development, interlibrary loan, etc.

About a year ago, the American Library Association (ALA) appealed to the appropriate Senate Committee for some relief from the sharply escalating postal costs. Every time there is an increase in the postal rates affecting libraries and publishers, there is a definite impact on the library's budget. Postal legislation, of course, is not primarily aimed at libraries; it affects business and industry and the public at large. The library manager has two basic options: (1) to participate in the political process to try to influence postal legislation which is favorable toward libraries; and (2) to simply stay on the sidelines and suffer the economic consequences. In all library legislation matters, library managers as well as librarians in general have the option of either acting or reacting. In the case of the former, there is a reasonable opportunity for influencing the legislation. In the latter case, one is resigned to accept decisions which are determined by others.

Two important pieces of legislation that have had a major impact on public libraries are the Library Services and Construction Act (LSCA), which I referred to earlier, and the General Revenue Sharing Act. The impact of LSCA on the states was dramatic. The law required that LSCA be administered at the state level through a state library agency. Some states did not have such an agency and, therefore, the state legislatures had to pass the necessary legislation to establish one. Other states had weak agencies or agencies with limited responsibilities. Legislative changes were essential in these instances also.

The requirement by the Office of Libraries and Learning Resources in the U.S. Office of Education in 1970 for developing a long-range (five year) plan for each state in order to insure that the goals and priorities in the Federal legislation could be achieved was a positive and significant action. For the library directors this meant developing a staff capability in the areas of planning and evaluation. For state library agencies, who had to meet the requirements, it meant a re-examination of the method of administering the Library Services and Construction Act. Librarians throughout the state participated in the development of the long-range plan, and the impact of this planning experience in many cases influenced how they operated their own institutions, and, in some cases, resulted in the development of local five-year plans. As might be expected, some library managers were enthusiastic and played a supportive and constructive role in state-wide library planning while others reacted negatively.

To participate in the benefits of the LSCA, however, required the local library's cooperation and participation with the state library agency in developing programs that not only met local and state needs, but also met the Federal priorities and requirements. A review over the last five to seven years indicates that the requirement for planning and evaluation has had a positive influence on the improvement of library and information services in most states.

The Library Services and Construction Act is really an excellent example of the major impact of library legislation on library management. Because of the broad service goals in the act, states were able to integrate their own programs and service plans with the Federal requirements. As of today, for example, all but six states have some legislation providing state grants to public libraries. The amounts vary from states like New York, Illinois, Maryland, Pennsylvania, Georgia, and Wisconsin who have substantial funding for their state grant programs, to those states that are at a modest beginning level. As a result of these funds, statewide library systems or networks have been organized. These are provided for in state legislation and vary from a single type of library system--usually public library--to multitype library systems. The problems for the library manager are many and the decisions often difficult. For example, does joining a system endanger the library's local autonomy? will reciprocal borrowing, that is patrons from one library using their library cards to borrow directly from a neighboring library, create major service imbalances to the libraries with the larger and richer collections? Participation in systems means that staff must be trained in the service philosophy of the statewide system. It also means that the library manager and key staff must spend considerable time in meetings for systemwide planning, coordinated collection development, staff development, etc. The use of automation for circulation, acquisition, cataloging, etc., must now be considered not as a local matter but on a systemwide basis to assure compatibility and interchangeability.

Obviously the LSCA legislation which, among other things, stimulated cooperation through systems and networks has had a significant impact.

In contrast, the impact on libraries of another major legislative effort designed to provide funds for local communities--general revenue sharing--was not, at first, very noticeable. The funds for this program did not go to the state government for redistribution but directly to local governmental units. They, in turn, had the responsibility for disbursing these funds among local agencies, of which the library was only one of many. The ability of the library manager to convince his local governmental unit that the library deserved a share of the Federal revenues certainly impacted the library's budget and its program. In some cases, the funds were given to the local library in addition to its regular funds and in some cases these Federal funds simply replaced local monies. Once again, the library manager's ability to deal with the potential impact of Federal legislation is, in the main, a challenge to the individual's political ability.

There are many legislative efforts currently underway that will have an important impact for library managers in providing library and information services to their users. Efforts are presently underway to revise the Communications Act of 1934, which will have potential telecommunications impact for libraries. The U.S. Congress' Joint Committee on Printing has just introduced a revision of Title 44 which relates to the printing and distribution of government publications. This affects the depository library system, the relationship between the public and private sector, as well as the delicate balance between the Congress and the Executive in the area of dissemination and distribution of government information. A recent legislative proposal, initiated by the National Citizens Emergency Committee to Save Our Public Libraries, was introduced as a study bill. It would provide direct financial assistance to public libraries for operating expenses on a 20 percent Federal, 50 percent state, 30 percent local basis. It would continue public library construction assis-

tance, establish grants for services to special constituencies, assist inter-library cooperation including development and maintenance of library and information networks, and fund special training programs for library personnel. One of the major factors in the introduction of this study bill is the crisis in the funding of public libraries in the urban areas. This bill is an example of the initiative taken by citizens, library trustees, and library managers to try to cope with problems which cannot be resolved at the local or state level.

If a program for direct financial assistance of public libraries for operating expenses is enacted, it will have an impact well beyond any previous Federal legislation. When the Federal Government provides financial support for programs, it has a responsibility to the public of making certain that the funds are used not only in a cost-effective manner, but in meeting the goals of the program. The Federal Government is not interested in interfering in local decision-making, but must make sure that the nation's interest is being served by all those who participate in any federally-assisted financial program. The study bill, known as the National Library Act, proposes a national library board with all of the powers that usually are associated with such a body. The potential impact on libraries and their management is so evident that it hardly bears emphasizing. Reporting requirements will certainly increase. Coordination between the three levels of government will require funds, the assignment of personnel and participation in networking, at least at the state level. The need for training of staff, not only in the area of planning and evaluation but in the area of data processing and new technology, will increase. If there is any one basic rule about library legislation initiated at the Federal or state level, it is that with every grant of funds comes a responsibility for meeting the requirements as enunciated in the legislation. The library manager must decide whether the proposed legislation is one which meets his needs, would serve the users well, and would not infringe on the local library's ability to operate and make decisions. If the study bill has such potential, then the library director has the responsibility of engaging in the democratic process of influencing the final wording.

An important factor to remember is that Federal grant funds are generally considered to be soft money. They are not meant to be used for operational purposes, but are limited to a specified time period, usually one or two years, for a specific activity and always pose a problem of uncertainty. Library administrator must weigh the potential effects of supporting staff with funds that are only assured for a limited period. This kind of government funds, as a rule, should not be used for any continuing obligation. The library's basic income source is meant to assure the basic personnel and program costs. Federal funds are supplementary, are designed to help meet national (as opposed to local) priorities, and help solve special service problems.

Before I close, let me briefly address the problems that library legislation poses for those involved in gathering and analyzing statistics. Library statistics are of value if they assist the library director in understanding the effectiveness of the library's program, provide the data to support the appropriation and budget process, and meet the legislative obligation for reporting.

Basic data elements such as holdings, personnel, financial information, service measures, have been traditionally collected and analyzed at the state, national, and international level. Agreement on the definition of terms, data elements, survey forms, frequency of collection, effective follow-up, have made it possible to use statistics not only for internal purposes, but for comparative purposes as well. Library legislation on a national basis requires that libraries collect some special statistical information. For example, when funds for library buildings were added to the Library Services and Construction Act, information on the number of new buildings projected, the amount of space available in libraries for readers as contrasted to the space needed, the size of personnel areas, and book stack areas, etc., was needed. These data elements were added to the survey forms and library

administrators were required to collect the information. As Federal and state funds became available to libraries, a new reporting requirement in the financial data element was added to reflect the funds received and expended from local, state, and Federal levels.

When special projects initiated by legislative mandate to stimulate services to special constituencies, such as the physically handicapped, the institutionalized, minorities, etc., were undertaken, statistical information requirements were included. Questions such as: what is the special constituency universe? how many are being served now? how many more are projected to be included for services? what demographic elements are needed to perform valid measuring of success of the project? had to be answered. The development of systems and networks have generated the need for statistical information on the services provided by the systems as contrasted with locally provided services. As mentioned earlier, the Copyright Law requirements for interlibrary loan and photoduplication activity require a review of some of our present statistical data elements and survey forms. It is obvious that legislative initiatives have had and will continue to have significant implications for library managers.

To properly undertake planning and evaluation of library services and to determine the effectiveness of legislative initiatives requires statistical information that is timely, comparable, and most of all, meaningful. Library administrators must most assuredly include the consideration of statistical surveys and analyses in their initial planning when implementing library and information service programs resulting from library legislation. We need to accelerate our efforts to provide performance measures if we ever hope to measure the quality of our service and analyze its cost effectiveness.

The partnership of government at the Federal, state, and local level in cooperation and coordination with library and information centers can be a meaningful and successful one only if library administrators understand the

service needs of their users. The library as an institution exists to serve users, not to benefit librarians. Buildings, books, computers, shelving, and equipment are all means to an end and not an end unto themselves. Understanding the need for Federal legislation, being aware of the potential impact of that legislation and being willing and prepared to participate in the process of developing legislation and working for its adoption, is a basic responsibility for library administrators in today's complex world. To paraphrase a comment in a recent article by Maurice Line, the library director must not only develop library skills but must also develop political skills. "He can learn from Machiavelli as well as Panizzi."